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EXAMINER
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DINH, TAN X

ART UNIT	PAPER NUMBER
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2653

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DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/938,815

Applicant(s)

KWON, YOUNG-SIG

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 13 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1) Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

2) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

3) (e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1-5,8,9,11 and 13 are rejected under 35 U.S.C. 102(e)

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as being anticipated by CHRITZ, Jr et al ( 6,430,120 ).

CHRITZ, Jr et al discloses a method for providing sub-code data to a host computer in an optical disk drive as claimed in claims 1,11 and 13, comprising the step of:

setting the sub-code data whenever the data of predetermined unit is output from a buffer ( column 3, lines 19-22. In this case, the sub-code and TOC information are read and stored in buffer );

transmitting the set sub-code data to the host computer when the sub-code data is request from host computer during reproduction mode ( column 3, lines 22-34. In this case, after an interruption, the disk player resumes the reproduction mode by reading the sub-code and TOC information from buffer and transmits to host computer for continuing reproduces information data. See also column 3, lines 35-46 ).

As to claim 2, CHRITZ, Jr et al shows sub-code data include track information, a relative address and an absolute address which determines using TOC information ( see column 3, lines 19-46. It is noted that, the sub-code data and TOC information in every optical disk player contains track information ( track number ), a relative address ( minute, second ) and an absolute address ( time address of entire disc ).

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As to claim 3, the setting sub-code data whenever data of one sector is output to buffer is inherent in CHRITZ, Jr et al's since the sub-code and TOC information are read and stored in buffer together with data information at all times. This process continue from first sector, second sector and to the end of the disk.

As to claim 4, CHRITZ, Jr et al shows the optical disk is compact disc ( CD, see column 1, lines 14-44 ) which common uses to storing plurality of music songs.

As to claim 5, the increasing relative address ( time address of each song ) and absolute address ( time address of entire disc ) whenever data of one sector is output from buffer is inherent in CHRITZ, Jr et al's since the sub-code and TOC information are read and stored in buffer together with data information at all times, when a new song (increases from last song ) is stored in buffer which also stores a new relative address and absolute address ( increases from last relative address and absolute address of last song ).

As to claims 8 and 9, CHRITZ, Jr et al shows the optical disk is compact disc ( CD, see column 1, lines 14-44 ) which common uses to storing plurality of music ( songs ) and the TOC of compact disc always contains the time address information such

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as reproduction time of each song, the reproduction time of entire disc, etc.,.

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7) Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over CHRITZ, Jr et al ( 6,430,120 ).

CHRITZ, Jr et al discloses all the subject matter as claimed in claim 6, *except* to specifically show that the CD player capable of resetting the relative address when the last sector is output from buffer. It would have been obvious matter of design choice to modify the CHRITZ, Jr et al's CD player by resetting the relative address when last sector is output from buffer, since applicant has not disclosed that having this resetting process could solve any stated problem or is for any particular purpose

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and it appears that the CD player would perform equally well with or without this resetting process.

As to claim 7, since CHRITZ, Jr et al shows the optical disk is compact disc ( CD, see column 1, lines 14-44 ) which common uses to storing plurality of music ( songs ) and the TOC of compact disc always contains the time address information such as reproduction time of each song, the reproduction time of entire disc, etc.,. thus, to determine a last sector of corresponding song is inherent in CHRITZ, Jr et al's CD player.

8) Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9) Claims 1,2,4,5,8,9,11 and 13 are further rejected under 35 U.S.C. 102(b) as being anticipated by MISONO ( 5,365,502 ).

MISONO discloses a method for providing sub-code data to a host computer in an optical disk drive as claimed in claims 1,2,4,5,8,9,11 and 13, comprising the step of:

setting the sub-code data whenever the data of predetermined unit is output from a buffer ( figure 6 and column 8, line 3-25

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In this case, the sub-code and TOC information are read and stored in buffer );

transmitting the set sub-code data to the host computer when the sub-code data is request from host computer during reproduction mode ( figure 6 and column 8, lines 26-33. In this case, after an interruption, the disk player resumes the reproduction mode by reading the sub-code and TOC information from buffer and transmits to host computer for continuing reproduces information data. See also column 3, lines 35-46 ).

10) Claim 12 is allowed.

11) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR §1.111(c).

AOYAGI (4,841,505) discloses a CD player capable of resuming the reproduction process based on the time address information stored in a buffer.



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12) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to TAN DINH whose telephone number is (703)308-4859. The examiner can normally be reached on Monday - Friday from 8:00AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.



TAN DINH  
PRIMARY EXAMINER  
September 17, 2003